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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,902	11/17/2000	John James Donnelly	1627.003	5612
27476 7590 02/05/2009 NOVARTIS VACCINES AND DIAGNOSTICS INC. INTELLECTUAL PROPERTY R338 P.O. BOX 8097 Emeryville, CA 94662-8097				
EXAMINER				
WEHBE, ANNE MARIE SABRINA				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JOHN JAMES DONNELLY, KIMBERLY SUE DENIS-MIZE,
and GARY STEVEN OTT

Application No. 09/715,902
Technology Center 1600

Mailed: February 5, 2009

Before DALE M. SHAW *Chief Appeals Administrator*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 12, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

LETTER TO BPAI RE WITHDRAWAL OF APPEAL

Appellants filed a letter to the chief clerk of the BPAI regarding the withdrawal of an appeal dated December 23, 2008. Appellants filed a Request for Continued Examination (RCE) which is currently awaiting a decision. The Examiner is required to reopen prosecution.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) reopen prosecution as requested by Appellants; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/cdc

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